IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Bail Appl..No. 7376 of 2007()

CR.137/07 OF ARYANAD EXCISE RANGE

: PETITIONERS/ACCUSED 1 & 2

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1. BIJU KUMAR @ BIJU, S/O SASIDHARAN,
   SISIRAM VEEDU, MUTHUVILA KUNNUKUZHI,
   HOUSING BOARD, KOTTAKKAKAM MURI,
   ARYANAD VILLAGE, NEDUMANGAD TALUK.

2. VIJAYAKUMAR @ SATHI, S/O GOPINATHAN,
   RESIDING AT HOUSING NO.59,
   MUTHUVILA KUNNUKUZHI, HOUSING BOARD,
   KOTTAKKAKAM MURI, ARYANAD VILLAGE,
   NEDUMANGAD TALUK.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.V.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7376 OF 2007 F

Dated this the 3rd day of December, 2007

O R D E R

Application for regular bail. The petitioners face allegations under the Kerala Abkari Act. They were allegedly found to transport 35 litres of arrack in a motorcycle when they were intercepted by the excise officials on 7.11.07. They were arrested and they continue in custody from that date. They have no history of any criminal antecedents, submits the learned Public Prosecutor.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that regular bail can be granted to the petitioners subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioners shall be enlarged on bail on the following terms and conditions:-

i) The petitioners shall not be released on bail on the

strength of this order prior to 10/12/2007. The investigator shall, in the meantime, make every endeavour to complete the investigation.

ii) The petitioners shall execute a bond for Rs.75,000/- (Rupees seventy five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

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